



## Supreme Court of Kentucky

**John D. Minton, Jr.**  
Chief Justice of Kentucky

Chambers, State Capitol  
Frankfort, Kentucky 40601  
502-564-4162

[www.courts.ky.gov](http://www.courts.ky.gov)

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*For Immediate Release*

### Supreme Court of Kentucky to hear arguments Aug. 17-19 in Frankfort **Proceedings are open to the public**

FRANKFORT, Ky., Aug. 3, 2016 – The [Supreme Court of Kentucky](#) will hear oral arguments Aug. 17-19 in Frankfort. Proceedings are open to the public and will take place in the Supreme Court Courtroom on the second floor of the state Capitol at 700 Capitol Ave. in Frankfort.

The public may also observe oral arguments via the [Supreme Court live stream](#) on the Kentucky Court of Justice website. Oral arguments are available online as they occur in real time and are not available as archives.

The Supreme Court is the state court of last resort and the final interpreter of Kentucky law. [Seven justices \(bios\)](#) sit on the Supreme Court and all seven justices rule on appeals that come before the court. The justices are elected from seven appellate districts and serve eight-year terms. A chief justice, chosen for a four-year term by fellow justices, is the administrative head of the state's court system and is responsible for its operation. The Supreme Court may order a ruling or opinion to be published, which means that the ruling becomes the case law governing all similar cases in the future in Kentucky.

WEDNESDAY, AUG. 17, 2016

**9 AM EDT**

2015-SC-000021-DG

**COMMONWEALTH OF KENTUCKY V. RITA MITCHELL**

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Summary: "Criminal Law. First-Degree Assault. Non-Relative Caregiver. Issues include whether a non-relative caregiver can be found guilty of first-degree assault when she allowed the disabled adult, for whom she was the primary caregiver, to live in life-threatening squalor."

Discretionary Review granted 10-21-2015  
Monroe Circuit Court, Judge Eddie C. Lovelace

Attorney for Appellant: Leilani K.M. Martin  
 Attorney for Appellee: Roy Alyette Durham, II

**10 AM EDT**

2015-SC-000256-DG

**KENTUCKY OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION  
 V. ESTILL COUNTY FISCAL COURT**

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Summary: “Administrative Law. Occupational Safety and Health. Whether KRS 338.121 provides protection against discrimination regarding employee complaints to employers absent a specific state regulation characterizing such complaints as protected activity.”

Discretionary Review granted 12-10-2015  
 Franklin Circuit Court, Judge Thomas D. Wingate

Attorney for Appellant: Frederick G. Huggins  
 Attorneys for Estill County Fiscal Court: Daniel Barry Stilz, Rodney G. Davis, Adrian M. Mendiondo, Kimberly Jean O’Donnell and Jonathan Fannin  
 Attorneys for Secretary of Labor, Commonwealth of Kentucky: David Nelson Shattuck and Michael Gary Swansburg, Jr.

**11 AM EDT**

2014-SC-000512-DG

**AEP INDUSTRIES INC. V. B.G. PROPERTIES, INC.**

[View Case Briefs](#)

Summary: “Contracts. Specific Performance. Option to Purchase. Non-Binding Appraisal. Material Breach. The first issue is whether appeal of an order granting specific performance on an option to purchase property is moot where the party ordered to specifically perform transfers the property in exchange for payment, does not seek a stay while on appeal of the order granting specific performance, or does not post a supersedeas bond. A second issue is whether a non-binding appraisal may constitute a “material breach” of an option to purchase agreement which would suspend performance of the agreement for sale of property.”

Discretionary Review granted 6-3-2015  
 Warren Circuit Court, Judge Steve Alan Wilson

Attorneys for Appellant: Glenn Alan Cohen, Paul Joseph Hershberg and Jason Conti  
 Attorneys for Appellee: David W. Anderson and Michael Scott Vitale

THURSDAY, AUG. 18, 2016

**10 AM EDT**

2016-SC-000272-TG

**COMMONWEALTH OF KENTUCKY, EX REL. ANDY BESHEAR, ATTORNEY GENERAL V. COMMONWEALTH OF KENTUCKY OFFICE OF THE GOVERNOR EX REL. MATTHEW BEVIN, IN HIS OFFICIAL CAPACITY AS GOVERNOR, ET AL.**

2016-SC-000273-TG

**JIM WAYNE, IN HIS OFFICIAL CAPACITY AS STATE REPRESENTATIVE, ET AL. V. COMMONWEALTH OF KENTUCKY OFFICE OF THE GOVERNOR MATTHEW BEVIN, IN HIS OFFICIAL CAPACITY AS GOVERNOR, ET AL.**

[View Case Briefs](#)

Summary: “Summary Judgment. Separation of Powers. Budgeting and Appropriations.”

Franklin Circuit Court, Judge Thomas D. Wingate

Attorneys for Commonwealth of Kentucky, Ex Rel. Andy Beshear, Attorney General: John Michael Brown, La Tasha Arnae Buckner, Mitchel Terence Denham and Joseph Newberg

Attorneys for Commonwealth of Kentucky, Ex Rel. Matthew Bevin, in his official capacity as Governor; Commonwealth of Kentucky Finance and Administration Cabinet, Ex Rel. William M. Landrum, in his official capacity as Secretary; and Commonwealth of Kentucky Office of the State Budget Director, Ex Rel. John Chilton, in his official capacity as State Budget Director: Michael T. Alexander, Mark Stephen Pitt and Stephen Chad Meredith

Attorney for Commonwealth of Kentucky Department of the Treasury, Ex Rel. Allison Ball, in her official capacity as Treasurer: Noah Robert Friend

Attorney for Jim Wayne, in his official capacity as State Representative; Darryl Owens, in his official capacity as State Representative; and Mary Lou Marzian, in her official capacity as State Representative: Pierce Butler Whites

FRIDAY, AUG. 19, 2016

**9 AM EDT**

2015-SC-000194-WC

**FAMILY DOLLAR V. MAMIE BAYTOS, WIDOW OF STEPHEN BAYTOS, ET AL.**

2015-SC-000208-WC

**MAMIE BAYTOS, WIDOW OF STEPHEN BAYTOS, DECEASED V. FAMILY DOLLAR, ET AL.**

[View Case Briefs](#)

Summary: “Workers’ Compensation. Widow’s right to benefits under KRS 342.750, following a full and final settlement by the injured worker prior to his death.”

Attorneys for Appellant: Lewis Paisley and Melanie Brooke Gabbard  
Attorney for Appellee: Carl Edward Grayson  
Attorney for Workers' Compensation Board: Dwight Taylor Lovan

**10 AM EDT**

2015-SC-000679-DGE

**ELMER RIEHLE V. CAROLYN RIEHLE**

[View Case Briefs](#)

Summary: "Marital Dissolution. The issue is whether a party adjudicated incompetent may petition for dissolution of a marriage to a spouse also serving as the petitioner's guardian and conservator."

Discretionary Review granted 2-10-2016  
Boone Circuit Court, Judge Linda Bramlage

Attorney for Appellant: Steven Joseph Megerle  
Attorney for Appellee: Michael Taylor McKinney

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